

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

OP.No. 7731 of 2001(U)

PETITIONER:

JOSEPH JOSEPH,
PAZHAYAPARAMPIL,
CHEMPARODA.P.O.,
PERUVANNOMOOZHI.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS
WELFARE FUND BOARD, KOZHIKODE-II.
2. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY OFFICE, VATAKARA.
3. N.K.KUMARAN, NADUVILAKANDI HOUSE,
CHANGORATHU.P.O., KOZHIKODE.
4. T.S.ASHOKAN, THURUTHIKKATTU,
CHEMPAHODA.P.O.

R2 BY GOVERNMENT PLEADER

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.12631/2001 IN O.P. NO.7731/2001

DISMISSED:

6.12.2007

SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF FINAL DETERMINATION ORDER DT.24.9.99 FROM R1.

P2: COPY OF REPLY LETTER DT.5.10.99 FROM THE PETITIONER TO R1.

P3: ACKNOWLEDGEMENT CARD SIGNED BY R1.

P4: COPY OF STATEMENT REGARDING DETAILS OF THE EMPLOYEES YEAR 1.4.98 TO 31.3.99.

P5: COPY OF NOTICE DT.2.11.2000 ISSUED FROM R2.

P6: COPY OF NOTICE ISSUED FROM R2 TO THE PETITIONER.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.7731 of 2001
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Dated this the 6th day of December, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears of Motor Transport Workers Welfare Fund. Even though petitioner denied having purchased or owned the vehicle, Standing Counsel stated that petitioner himself stated during the previous year that he is the registered owner of the vehicle and demand is made for the workers whose names are furnished by the petitioner. In the circumstances, O.P. filed misrepresenting facts is without any bonafides and is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms